

The JS 44 civil coversheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

II. BASIS OF JURISDICTION <i>(Place an "X" in One Box Only)</i>		III. CITIZENSHIP OF PRINCIPAL PARTIES <i>(Place an "X" in One Box for Plaintiff and One Box for Defendant)</i>			
		PTF	DEF	PTF	DEF
<input type="checkbox"/> 1 U.S. Government Plaintiff	<input checked="" type="checkbox"/> 3 Federal Question <i>(U.S. Government Not a Party)</i>	<input type="checkbox"/> 1	<input type="checkbox"/> 1	<input type="checkbox"/> 4	<input type="checkbox"/> 4
<input type="checkbox"/> 2 U.S. Government Defendant	<input type="checkbox"/> 4 Diversity <i>(Indicate Citizenship of Parties in Item III)</i>	<input type="checkbox"/> 2	<input type="checkbox"/> 2	<input type="checkbox"/> 5	<input type="checkbox"/> 5
		<input type="checkbox"/> 3	<input type="checkbox"/> 3	<input type="checkbox"/> 6	<input type="checkbox"/> 6

RECEIPT #	AMOUNT	APPLYING IFP	JUDGE	MAG. JUDGE
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UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF PENNSYLVANIA — DESIGNATION FORM to be used by counsel to indicate the category of the case for the purpose of assignment to appropriate calendar.

201 Aqueduct Road, Washington's Crossing, PA 18977

Address of Plaintiff:

120 East Street Road, Warminster, PA 18974

Address of Defendant:

BUCKS COUNTY, PA

Place of Accident, Incident or Transaction:

(Use Reverse Side For Additional Space)

Does this civil action involve a nongovernmental corporate party with any parent corporation and any publicly held corporation owning 10% or more of its stock?

(Attach two copies of the Disclosure Statement Form in accordance with Fed.R.Civ.P. 7.1(a))

Yes ☐ No ☒

Does this case involve multidistrict litigation possibilities?

Yes ☐ No ☒

RELATED CASE, IF ANY:

Case Number: Judge

Date Terminated:

Civil cases are deemed related when yes is answered to any of the following questions:

1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court?

Yes ☐ No ☒

2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court?

Yes ☐ No ☒

3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action in this court?

Yes ☐ No ☒

4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual?

Yes ☐ No ☒

CIVIL: (Place ☒ in

ONE CATEGORY ONLY)

A. Federal Question Cases:

1. ☐ Indemnity Contract, Marine Contract, and All Other Contracts
2. ☐ FELA
3. ☐ Jones Act-Personal Injury
4. ☐ Antitrust
5. ☐ Patent
6. ☐ Labor-Management Relations
7. **XXX Civil Rights**
8. ☐ Habeas Corpus
9. ☐ Securities Act(s) Cases
10. ☐ Social Security Review Cases
11. ☐ All other Federal Question Cases

B. Diversity Jurisdiction Cases:

1. ☐ Insurance Contract and Other Contracts
2. ☐ Airplane Personal Injury
3. ☐ Assault, Defamation
4. ☐ Marine Personal Injury
5. ☐ Motor Vehicle Personal Injury
6. ☐ Other Personal Injury (Please specify)
7. ☐ Products Liability
8. ☐ Products Liability — Asbestos
9. ☐ All other Diversity Cases

(Please specify)

ARBITRATION CERTIFICATION

(Check Appropriate Category)

MARC E. WEINSTEIN

I, _____, counsel of record do hereby certify:

X Pursuant to Local Civil Rule 53.2, Section 3(c)(2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs;

X Relief other than monetary damages is sought.

OCTOBER 30, 2012

Marc E. Weinstein

Atty No. 79474 (PA)

DATE:

Attorney-at-Law

Attorney I.D.#

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

I certify that, to my knowledge, the within case is not related to any case now pending or within one year previously terminated action in this court except as noted above.

OCTOBER 30, 2012

Marc E. Weinstein

Atty No. 79474 (PA)

DATE:

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

KARINA KONIZ
201 Aqueduct Road
Washington Crossing, PA 18977

Plaintiff,

v.

SOLOMON ORGANIZATION, LLC
120 East Street Road
Warminster, PA 18974

Defendant.

CIVIL ACTION

NO. _____

JURY TRIAL DEMANDED

CIVIL ACTION COMPLAINT

Plaintiff Karina Koniz hereby complains as follows against Solomon Organization, LLC:

I. INTRODUCTION

1. Plaintiff has initiated the instant action to redress violations of the federal Pregnancy Discrimination Act and applicable state law.

II. PARTIES

2. Plaintiff is an adult female and citizen of the United States and the Commonwealth of Pennsylvania with an address as set forth in the caption above.

3. Defendant is a real estate property management firm with properties in New York, New Jersey, Pennsylvania and Connecticut. It owns and operates approximately 10,000 apartments.

4. Defendant is an “employer” within the meaning of the Pregnancy Discrimination Act and applicable state law because it is engaged in an industry affecting commerce and because it maintained

or maintains fifteen (15) or more employees for each working day in each of twenty (20) or more calendar weeks during the year(s) in question.

5. At all times relevant herein, Defendant acted through its several agents, servants, and employees (including but not limited to those named elsewhere in this Complaint), each of whom acted in the course and scope of their employment for Defendant at all times relevant herein. Defendant is therefore fully responsible for the illegal and discriminatory acts and omissions of the aforesaid employees pursuant to the principle of *respondeat superior*.

III. JURISDICTION AND VENUE

6. The instant action is initiated pursuant to the federal Pregnancy Discrimination Act (“PDA”), a 1978 amendment to Title VII of the Civil Rights Act of 1964. *See* 42 U.S.C. § 2000e(k). The applicable state law is the Pennsylvania Human Relations Act (“PHRA”), 43 P.S. § 951 *et seq.*, which similarly proscribes pregnancy discrimination in employment.

7. This Court may properly maintain personal jurisdiction over Defendant because Defendant’s contacts with this state and this judicial district are sufficient for the exercise of jurisdiction over Defendant to comply with traditional notions of fair play and substantial justice, satisfying the standard set forth by the Supreme Court in *Int’l Shoe Co. v. Washington*, 326 U.S. 310 (1945) and its progeny.

8. The United States District Court for the Eastern District of Pennsylvania has original subject matter jurisdiction over the instant action pursuant to 28 U.S.C. §§ 1331 and 1343(a)(4) because it arises under the laws of the United States and seeks redress for violations of civil rights. The Court may also maintain supplemental jurisdiction over state law claims set forth herein pursuant to 28

U.S.C. § 1367(a) and Rule 18(a) of the Federal Rules of Civil Procedure because they are sufficiently related to the claim(s) within the Court's original jurisdiction that they form part of the same case or controversy.

9. Venue is properly laid in the Eastern District of Pennsylvania pursuant to 28 U.S.C. §§ 1391(b)(1) and (b)(2), because Defendant resides in and/or conducts business in this judicial district and because a substantial part of the acts and/or omissions giving rise to the claims set forth herein occurred in this judicial district (Plaintiff was working in the Eastern District of Pennsylvania at the time of the illegal actions set forth herein).

IV. PROCEDURAL AND ADMINISTRATIVE REQUIREMENTS

10. Plaintiff has satisfied the procedural and administrative requirements for proceeding under the PDA and PHRA. In particular:

- a. On or about February 3, 2011, Plaintiff filed a timely written charge of discrimination with the Philadelphia district office of the U.S. Equal Employment Opportunity Commission ("EEOC") where it was assigned charge number 530-2011-01082;
- b. On or about July 31, 2012, the EEOC issued a Dismissal and Notice of Rights;
- c. The instant action is timely because it is initiated within ninety (90) days of the receipt of the aforementioned Notice;
- d. Plaintiff also timely cross-filed her aforesaid charge of discrimination with the Pennsylvania Human Relations Commission where it was assigned charge number 201006737;
- e. Plaintiff has fully exhausted her administrative remedies.

V. FACTUAL BACKGROUND

11. Plaintiff was hired in or about August 2008 as a leasing agent at Defendant's apartment complex called Bucks Landing, located on Street Road in Warminster, Bucks County, PA. Her starting pay was approximately \$12 per hour, plus commissions and bonuses.

12. Prior to being hired, Plaintiff interviewed with Terri McKeon (Property Manager), McKeon's supervisor Melissa Good (Vice President), and Evan Rosen (Managing Director).

13. Plaintiff provided truthful answers on all of the pre-employment forms Defendant required her to complete. She was told Defendant would be doing a background check. Additionally, approximately a year later - in late 2009 - when Defendant conducted additional background checks, Plaintiff told McKeon of her prior misdemeanor offenses.

14. In or about early 2010, Plaintiff informed McKeon that she had miscarried and that she wanted to have another baby. In the summer of 2010, Plaintiff became pregnant again.

15. On or about August 5, 2010, probably around 2-3 p.m., McKeon directly asked Plaintiff if she was pregnant. This occurred in McKeon's office, with Good present. Plaintiff said she was, and both women offered their congratulations. They also inquired as to how far along Plaintiff was in her pregnancy.

16. Good stated there were a couple other girls at other properties who were pregnant. Plaintiff finished the rest of the day without incident.

17. The following day - on or about August 6, 2010 - Good again came to the office. She initially met with McKeon privately. Plaintiff was later called into McKeon's office. Plaintiff was handed a letter stating there was "negative information" on her criminal background report. She was suspended for a one week. She was told that if, during that week, she was unable to show the

negative information was false she would be discharged. Plaintiff was never told what the “negative information” was.

18. Plaintiff was discharged the following week.

19. Defendant’s explanation for terminating Plaintiff’s employment was phony.

20. Aside from the fact that McKeon had long known about Plaintiff’s prior misdemeanors, several maintenance employees had prior criminal offenses but were not fired. The female assistant property manager - not pregnant - got a DUI and was incarcerated while employed by Defendant. She was not discharged.

21. The true reason for her discharge was her pregnancy. Although McKeon directly asked Plaintiff about her pregnancy the day before firing Plaintiff, McKeon had actually known of Plaintiff’s pregnancy for weeks.

22. In or about July, McKeon stated to another employee, “take notice to Karina’s stomach.” In the weeks that followed McKeon stated on several occasions to this employee “I wonder if she’s [Koniz’s] going to say something.”

23. McKeon then undertook efforts to frustrate Plaintiff so that she would quit. As an example, McKeon would tell other leasing agents - but not Plaintiff - about special promotions, thereby placing Plaintiff at a competitive disadvantage.

24. When that effort did not achieve the desired result, McKeon then tried to catch Plaintiff throwing away Defendant’s promotional fliers. McKeon actually arranged for the fiancé of another employee to follow Plaintiff for that purpose. When a flier - allegedly discarded - was found, McKeon remarked, “really this is all I need, I’m going to talk to Melissa [Good] about this.”

25. Ultimately Defendant invoked the criminal background report as the pretext upon which to

fire Plaintiff.

26. Six months later, on February 7, 2011, Plaintiff and her husband gave birth to a baby boy.

**FIRST CAUSE OF ACTION
VIOLATIONS OF TITLE VII**

27. The foregoing paragraphs are incorporated herein in their entirety as if set forth in full.

28. In terminating Plaintiff's employment because of her pregnancy, Defendant knowingly, purposefully and deliberately violated the federal Pregnancy Discrimination Act ("PDA"), a 1978 amendment to Title VII of the Civil Rights Act of 1964. *See* 42 U.S.C. § 2000e(k).

28. In terminating Plaintiff's employment because of her pregnancy, Defendant engaged in discriminatory practices with malice and reckless indifference to Plaintiff's federally-protected rights to be free from employment discrimination based on sex.

29. As a result of Defendant's unlawful discrimination, Plaintiff has suffered pecuniary losses, emotional pain, suffering, inconvenience, mental anguish, loss of enjoyment of life, and other non-pecuniary losses.

**SECOND CAUSE OF ACTION
PENNSYLVANIA HUMAN RELATIONS ACT**

30. The foregoing paragraphs are incorporated herein in their entirety as if set forth in full.

31. Defendant's discriminatory actions as aforesaid also violated the Pennsylvania Human Relations Act, 43 P.S. § 951 *et seq.*

WHEREFORE, Plaintiff prays that this Court enter an order providing that:

A. Defendant is to be permanently enjoined from discriminating against Plaintiff on any basis

forbidden by Title VII and other applicable federal and state law;

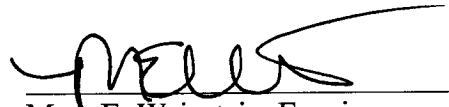
- B. Defendant is to promulgate and/or adhere to a policy prohibiting pregnancy discrimination in the workplace, and ensure this policy is fairly and adequately enforced;
- C. Defendant is to compensate Plaintiff, reimburse Plaintiff, and make Plaintiff whole for any and all pay and benefits Plaintiff would have received had it not been for Defendant's illegal actions, including but not limited to back pay, front pay, interest, salary, pay increases, bonuses, insurance, benefits, training, promotions, lost 401K or retirement benefits, and seniority. Plaintiff should be accorded those benefits illegally withheld from the date her employment was terminated until the date of verdict, and Defendant should be ordered to provide an accounting of all benefits lost by Plaintiff to ensure Plaintiff is made whole if deemed appropriate by the Court;
- D. Plaintiff is to be awarded actual damages, as well as damages for the pain, suffering, emotional distress and humiliation caused by Defendant's actions;
- E. Plaintiff is to be awarded punitive damages as permitted by Title VII, in an amount believed by the Court or trier of fact to be appropriate to punish Defendant for its willful, deliberate, malicious, reckless and outrageous conduct, and to deter Defendant and/or other employers from engaging in such misconduct in the future;
- F. Plaintiff is to be accorded equitable or injunctive relief as allowed by applicable law;
- G. Plaintiff is to be awarded the costs and expenses of this action and reasonable attorneys' fees as provided by applicable federal and state law;
- H. This Court should grant any and all other such legal or equitable relief as it deems necessary, just, and appropriate;

- I. This Court should maintain jurisdiction over the instant action to ensure full compliance with its Orders therein until such time it is satisfied that its Orders and dictates have been complied with in full by Defendant;
- J. Plaintiff's claims are to receive a trial by jury to the extent allowed by applicable law. Plaintiff has also endorsed this demand on the caption of this Complaint in accordance with Federal Rule of Civil Procedure 38(b).

Respectfully submitted,

WEINSTEIN LAW FIRM, LLC

By:



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Dated: October 30, 2012